

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

THOMAS GIRARDI

No. 23 CR 54-1

Judge Mary M. Rowland

GOVERNMENT'S MOTION TO DISMISS

The United States of America, by ANDREW S. BOUTROS, United States Attorney for the Northern District of Illinois, respectfully moves to dismiss the superseding indictment (Dkt. No. 69) and original indictment (Dkt. No. 1) against defendant Thomas Girardi in this case.

In support of this motion, the government states as follows:

1. On February 1, 2023, the grand jury charged Girardi in a 12-count indictment with co-defendants Christopher Kamon and David Lira with eight counts of wire fraud, in violation of 18 U.S.C. § 1343, and four counts of contempt of court, in violation of 18 U.S.C. § 401(3). Dkt. No. 1. On November 15, 2023, the grand jury returned a superseding indictment against Girardi and Kamon that added two perjury counts against Lira but otherwise left the original charges against Girardi in place. Dkt. No. 69.

2. Subsequently, on August 27, 2024, Girardi was convicted of four counts of wire fraud, in violation of 18 U.S.C. § 1343, in the U.S. District Court for the Central District of California. *See United States v. Girardi*, No. 2:23 CR 47, Dkt. No. 371 (C.D. Cal. Aug. 27, 2024). The charges in that case were premised on other client

thefts that Girardi committed, Dkt. No. 1, and the government has notified the Court there of Girardi's thefts from the Victim Clients in this case in its sentencing papers. *Id.* at 419.

3. At this point, given that Girardi has already been convicted of stealing from clients and the government in that case has apprised the Court of the conduct in this matter surrounding the Victim Clients, in addition to the fact that Girardi is turning 86 years old within the next month, the government moves to dismiss the superseding indictment and the original indictment against Girardi in this case. The government plans to proceed to trial against Girardi's co-defendant and son-in-law, Lira, for his role in the offense beginning on July 14, 2025. The government anticipates resolving the case against Kamon with a written plea agreement.

4. Federal Rule of Criminal Procedure 48(a) provides that: "[t]he government may, with leave of court, dismiss an indictment[.]" Pursuant to Rule 48(a), the government respectfully seeks leave to dismiss the superseding indictment and original indictment against Girardi in this case.

WHEREFORE, for the reasons stated above, the government respectfully requests that the Court grants its motion and dismiss the superseding indictment (Dkt. No. 69) and original indictment (Dkt. No. 1) against Thomas Girardi in this case.

Respectfully submitted,

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